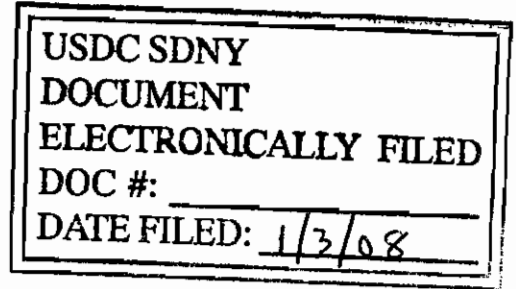


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
DESIMONE AVILES SHORTER & OXAMENDI,
LLP,

Plaintiff,

-v-

YORK CLAIMS SERVICE, INC.,
Defendant, Third Party
Plaintiff,

-v-

COLONIAL COOPERATIVE INSURANCE COMPANY,
and STEPHEN MUEHLBAUER,
Third Party Defendants.

-----X

07 Civ. 7043 (DLC)

ORDER

DENISE COTE, District Judge:

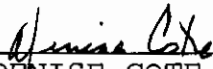
During a telephonic conference held on December 20, 2007, with all parties present, it became apparent that there was an absence of complete diversity among the parties, and that the Court therefore lacked subject matter jurisdiction over the action. The Court informed the parties that it would dismiss the action on January 2, 2008, unless the plaintiff made a submission before that date proffering a basis for subject matter jurisdiction. The Court having received no such submission, it is hereby

ORDERED that the action is dismissed for lack of subject

matter jurisdiction. The Clerk of Court shall close the case.

SO ORDERED:

Dated: New York, New York
January 3, 2008



DENISE COTE
United States District Judge